

MANDATE

S.D.N.Y. – W.P.
12-cv-4727
Briccetti, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of January, two thousand eighteen.

Present: Reena Raggi,
Debra Ann Livingston,
Raymond J. Lohier, Jr.,
Circuit Judges.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: Jan. 08, 2018**

The Scotts Miracle-Gro Company, Inc., The Scotts Company LLC,
Petitioners,

v.

17-2813

Michael Arcuri, David A. Browne, Lance Moore, Vance Smith,
Nancy Thomas, Gwen Eskinazi, Stacy D. Lonardo, individually and
on behalf of all others similarly situated,
Respondents,

The Home Depot, Inc., Lowe's Home Centers, Inc., True Value
Company,
Defendants.

Petitioners request leave to appeal an interlocutory order of the district court, pursuant to 28 U.S.C. § 1292(b), and leave to file a reply brief. Upon due consideration, it is hereby ORDERED that the motion to file a reply brief is GRANTED. It is further ORDERED that the petition for leave to appeal is DENIED because an immediate appeal is unwarranted. *See Klinghoffer v. S.N.C. Achille Lauro Ed Altri-Gestione Motonave Achille Lauro in Amministrazione Straordinaria*, 921 F.2d 21, 23–25 (2d Cir. 1990).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe



MANDATE ISSUED ON 01/08/2018